

# OPEN MARKET REQUISITION 101

In compliance with:  
Texas Gov. Code § 2155  
&  
34 TAC § 20.25

# TRAINING OBJECTIVE



To provide procurement professionals across the State of Texas with an understanding of the open market requisition processes.

# LEARNING OUTCOMES



Introduction to OMR



Utilizing an OMR



OMR Form: Location & Review



OMR Submission Process



Best Practices

# **INTRODUCTION TO OPEN MARKET REQUISITION (OMR)**

# DELEGATION OF PURCHASING AUTHORITY

OMR: Used for purchase of goods with an estimated contract value of more than \$50,000.

POD: Used for purchase of services with an estimated contract value of more than \$100,000

- Open Market Requisition (OMR) is defined as:
  - A request sent to the Comptroller from an agency to purchase goods or services (34 TAC § 20.25)
- Request for Delegation:
  - Purchases of non-IT goods valued at more than \$50,000

# OPEN MARKET REQUISITION

# UTILIZING AN OMR?



# **WHEN NOT TO UTILIZE AN OMR?**

## **Purchases delegated by rule to all state agencies:**

- One-time purchases of goods that do not exceed \$50,000,
- Purchase of services that do not exceed \$100,000,
- Direct publications,
- Purchase of perishable goods,
- Distributor purchases,
- Fuel, oil, and grease purchases,
- Internal repair purchases, and
- Emergency purchases

**The good or service is available through the State Use Program, statewide term or managed contract, TXMAS contract.**



# UTILIZING AN OMR?

## **A state agency or other eligible government entity:**

- For a good or service that is not currently available through the State Use program or other established SPD contracts.

## **A state agency:**

- Seeking delegation of purchasing authority for the purchase of goods with an estimated contract value of more than \$50,000.

**A state agency needs to purchase an item (good) that is not available through Texas SmartBuy. The good will cost the agency \$7,000 and is a one-time purchase.**

- Does the state agency need to submit an OMR?
- Can the state agency submit an OMR?

## **OMR SCENARIO 1**

**A state agency needs an item that is not available via Texas SmartBuy or set-aside programs. The expected contract value is \$86,000 and is not delegated by rule.**

- Does the state agency need to submit an OMR?
- Can the agency submit an OMR and not request delegation?

## **OMR SCENARIO 2**

**A local government (municipality) needs to purchase an item that is not available through Texas SmartBuy. The good will cost the municipality about \$570,000 and is a one-time purchase.**

- Does the municipality need to submit an OMR?
- Can the municipality submit an OMR?

## **OMR SCENARIO 3**

# OMR FORM: LOCATION & REVIEW

# OMR FORM LOCATION

## Download

Download latest version of the OMR form:  
<https://comptroller.texas.gov/purchasing/forms/>

## Form

Form revised in July 2020

## Email

Email OMR form and other required documentation to: [open.market@cpa.texas.gov](mailto:open.market@cpa.texas.gov)

# OMR FORM CONTENTS



Page 1 – Agency and  
Solicitation  
Information



Page 2 – List of  
Commodities and  
Services



Page 3 – Submission  
Checklist of Required  
Documents and  
Information



## Open Market Requisition

Page 1

*Requisition must be submitted at least 120 days in advance of expected award date to allow sufficient processing time, must have an authorized signature and include the Submission Checklist (Page 3). Submit via email to [open.market@cpa.texas.gov](mailto:open.market@cpa.texas.gov).*

Agency requisition number		Date	
Agency name			
Delivery address		State	ZIP code
Contact name	Phone (Area code and number)	Email	
Alternate contact name	Phone (Area code and number)	Email	

One-time purchase? (PCC G) .....	<input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, expected delivery date .....
Purchase with grant funding .....	<input type="checkbox"/> YES <input type="checkbox"/> NO	Grant expiration date .....
Installation required? .....	<input type="checkbox"/> YES <input type="checkbox"/> NO	Insurance required? ..... <input type="checkbox"/> YES <input type="checkbox"/> NO
NEW multi-year contract?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO	Add to CPA Contract Number .....

Proprietary? .... ☐ YES ☐ NO If YES, check one: ☐ Sole Source ☐ Competitive *Forward justification with signature as designated in the Agency Procurement Plan on file with SPD.*

☐ Not available on Texas SmartBuy ESTIMATED DOLLAR AMOUNT — All Items: .....

Request for delegation?..... ☐ YES ☐ NO *If YES, submit required documentation and justification.*

Needs Assessment (reference pg. 12 of State of Texas Procurement and Contract Management Guide (PCMG)):

Prior Purchase? ..... ☐ YES ☐ NO If YES, Contractor Name. ....

Were needs met? ..... ☐ YES ☐ NO

Vendor Performance Report(s) Filed in SPD VPTS..... ☐ YES ☐ NO

Approval signature certifies the need for the commodity(s) and/or services and that sufficient funds are available.

Signature authorized by agency	Printed name	Date
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sign  
here

# PAGE 1: AGENCY & SOLICITATION INFORMATION

## Page 2

[illegible]

PAGE 2:  
LIST OF  
COMMODITIES  
AND SERVICES



## Open Market Requisition (cont.)

Page 3

Requisition must be submitted at least 120 days in advance of expected award date to allow sufficient processing time, must have an authorized signature and include the Submission Checklist (Page 3). Submit via email to [open.market@cpa.texas.gov](mailto:open.market@cpa.texas.gov).

**Submission Checklist** — Failure to provide this list and the requested information may cause delay in the solicitation process.

**SPECIFICATIONS – All items in this section are required unless otherwise indicated**

- ☐ Detailed specifications in outline format or attached Agency-published specification document
- ☐ Confirm NIGP Class-Item is correct. SPD will provide information if other NIGP Class-Items should be utilized.
- ☐ References for manufacturer/brand names and model/product numbers *PROVIDE TWO PER LINE ITEM AS A BEST PRACTICE PER PCMG*
- ☐ Warranty requirements for all products
- ☐ Vendor quotations or other methods used for agency estimate
- ☐ Manufacturer technical specification documentation (if applicable)
- ☐ Qualified Products List (QPL) or Approved Products List (APL) (if applicable)
- ☐ Exhibits: Drawings and schematics (if applicable)

**SAMPLES** ☐ YES ☐ NO *If "YES," include in Word document.*

- ☐ Sample requirements: ☐ With Bid ☐ Post Award
- ☐ Testing requirements performed through a Certified Laboratory as specific to ASTM, etc.
- ☐ Certificate of Analysis through a Certified Laboratory
- ☐ Agency Testing parameter details

**PRICE INFORMATION – Required for multi-year contracts**

**PRICING STRUCTURE** — One-time purchase will include the City/ZIP for the delivery destination(s) from Page 1.

- ☐ Statewide
- ☐ Texas zones ☐ ALL ☐ Specific zones:
- ☐ Highway districts ☐ ALL ☐ Specific highway districts:

**PRICE ADJUSTMENT CALCULATION**

- ☐ Producer Price Index (PPI) per item — U.S. Bureau of Labor Statistics (BLS) website: [www.bls.gov/](http://www.bls.gov/) (provide Index #)
- ☐ Consumer Price Index (CPI) per item — BLS website: [www.bls.gov/](http://www.bls.gov/) (provide Index #)
- ☐ Discount from manufacturer price list
- ☐ Other — Provide details with formulas as applicable

**SERVICE RELATED REQUIREMENTS**

- ☐ Detailed service requirements
- ☐ Training: Number of days or hours, location, number of agency employees, etc.
- ☐ Installation: Authorized factory technician or representative

# PAGE 3: SOLICITATION CHECKLIST

# NEEDS ASSESSMENT

What does  
the agency  
need?

Why do they  
need it?

Agency may  
conduct:

Market  
Research

Historical  
Spend  
Analysis

Benchmarking

Request for  
Information  
(RFI)



# NEEDS ASSESSMENT

## Examples:

- **Bad:** "This is for Goods and the total dollar amount is over \$50,000. State Policy requires Delegation."
- **Good:** "Agency X needs to replace an existing generator which has reached its service lifetime. It is eligible for replacement based on established replacement criteria. This unit is used for emergency power outages which is vital to the agency continuity of operations."

# OMR CRITERIA

Agency should complete  
all sections including:

Needs  
Assessment

Line Item  
Specifications

Submission  
Checklist



Agency must meet the  
following requirements:

Authorized  
Signature

Contract value  
more than  
\$50,000  
(Goods)

Documentation  
in Microsoft  
Word format

# OMR SUBMISSION

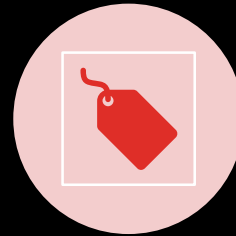
# SUBMISSION CHECKLIST



SAMPLES



SPECIFICATIONS



PRICE  
INFORMATION



SERVICE- RELATED  
REQUIREMENTS

# OMR PROCESS

## Initial SPD Evaluation

**IS THE ITEM AVAILABLE ON CONTRACT (TERM OR TXMAS)?**

**IS THIS ITEM SUITABLE AS A STATEWIDE CONTRACT FOR MULTIPLE AGENCIES TO USE?**

**ARE SOLICITATION DOCUMENTS COMPLIANT WITH PROCUREMENT & CONTRACT MANAGEMENT GUIDE?**

**WHAT ASSESSMENTS WERE MADE IN TERMS OF INTERNAL CAPACITY?**



# OMR PROCESS

- It may take up to 30 days to complete an OMR request.
- Agency DOES NOT have authority to issue a solicitation until a letter of delegation is issued by SPD
  - Even if review period exceeds 30 days
- OMR processing timelines determined by:
  - Quality of documents submitted
  - Agency's response rate to SPD's questions

# OMR OUTCOMES

## Delegated

- Letter of delegation

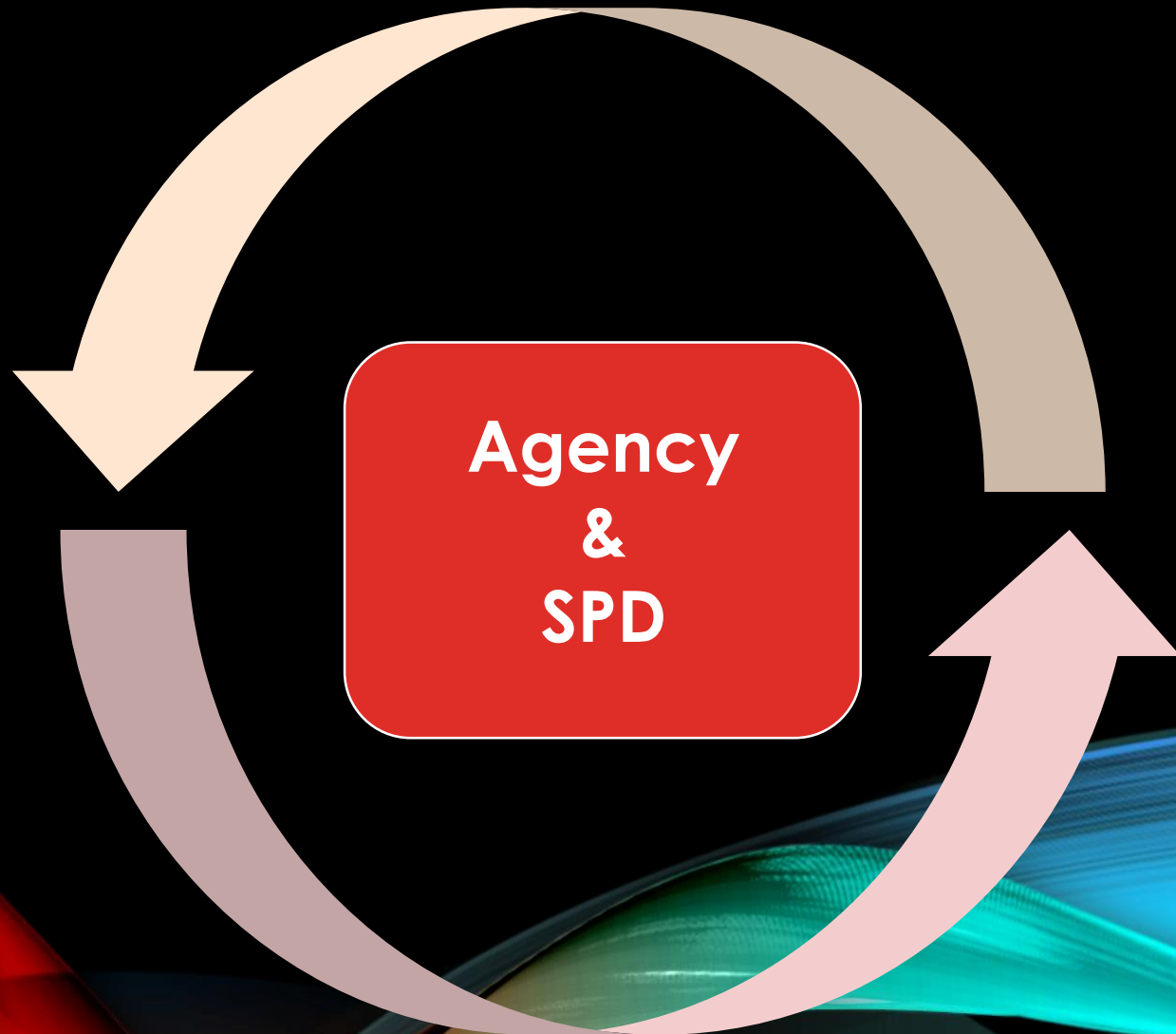
## Withdrawn

- Agency withdraws the OMR

## Solicited

- SPD solicits for the agency

# COMMUNICATION CYCLE: PRE-AWARD



# COMMUNICATION CYCLE: POST AWARD



# OMR BEST PRACTICES

# BEST PRACTICES



## **Information: Quality over Quantity**



## **Needed Documentation:**

- Signed OMR Form
- Solicitation package in native format
- Quotes as appropriate
- Proprietary Justification Letter



**Requisitions must be submitted at least 120 day in advance of expected award date.**



# BEST PRACTICES

## Proprietary Justification

- Agency Procurement Plan
- Requirements of Proprietary Justification Letter
  - Sole Source vs. Competitive
  - Describe the business need
  - Justify how specifications are created
  - Justify the reason for proprietary purchase
- Estimated amount of procurement
- Needs Assessment

# COMMON MISTAKES



- Failure to give example models
- Specifications do not allow competition
- Incomplete specifications
- Unsigned OMR Form
- Missing Information
  - Vendor quotes
  - Needs assessment

# KEY CONSIDERATIONS



OMR PROCESS  
VS. OMR FORM



BUYING POWER  
OF THE STATE



CONTRACT  
VALUE



TIMEFRAME FOR  
DELEGATION  
PROCESS

# STATE ENTITIES NOT REQUIRED TO REQUEST DELEGATION:

State Universities

Public Junior Colleges

Local Governments

Texas SmartBuy Members

# RESOURCES

[Commodity book](#)

[Consumer Price Index \(CPI\)](#)

[Open Market Requisition \(Form\)](#)

[Procurement Oversight & Delegation](#)

[Producer Price Index \(PPI\)](#)

[CPA's Contract Development Website](#)

[CPA's SPD Policy Website](#)



- [CPA's OMR Website](#)
- [Policy Questions](#)
- [CPA's Purchasing Website](#)



# THANK YOU